

REGULAR MEETING
June 10, 2002

The Regular Meeting of the Annapolis City Council was held on June 10, 2002 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Hoyle, Kelley, Cordle, Carter, Fox, Cohen

Staff Present: City Attorney Goetzke

AWARDS AND PRESENTATIONS

- C Mayor Moyer presented a Glittering Gems of Annapolis Award to Marion Warren.
- C Mayor Moyer proclaimed June 10-17, 2002 National Homeownership Week.
- C Mayor Moyer presented a Citation of Merit to Nichole Hesenperger.
- C Alderman Hammond moved to approve the Journal of Proceedings for May 13, 2002 and May 21, 2002. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

Ratification of Collective Bargaining Agreements

- a. United Food and Commercial Workers Union, Local 400
- b. Annapolis Clerical & Technical Employees, Local 3162
- c. Annapolis Trades, Maintenance & Labor Force Employees, Local 3406
- d. Local 1926, International Association of Firefighters AFL-CIO

Alderman Fox moved to approve the collective bargaining agreements between the City of Annapolis and the United Food and Commercial Workers Union, Local 400; Annapolis Clerical & Technical Employees, Local 3162; Annapolis Trades, Maintenance & Labor Force Employees, Local 3406; and, Local 1926, International Association of Firefighters AFL-CIO. Seconded.

Alderman Tolliver moved to vote separately on ratified and non-ratified agreements. Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

C Spoke in favor of R-17-02

- Vincent DeMarco, 2600 St. Paul Street, Baltimore, MD 21218
- Ernie Crofoot, 910 Boom Way, Annapolis, MD 21401
- Jen Hobbins, 1084 Trails End Road, Pasadena, MD 21122
- Michele Ryan, 910 Boom Way, Annapolis, MD 21401

C Spoke regarding public housing issues

- Phyliss Armiger, 701 Glenwood Street, #210, Annapolis, MD 21401
- Robert Eades, 32 Pleasant Street, Annapolis, MD 21401

LEGISLATIVE ACTION

BUDGET ITEMS

- O-18-02 For the purpose of adopting an operating budget for the City of Annapolis for the fiscal year 2002-2003, beginning July 1, 2002 and**

ending June 30, 2003; to appropriate funds for expenditures for the fiscal year beginning July 1, 2002 and ending June 30, 2003; for the purpose of defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; specifying certain duties of the Director of Finance, specifying a rate of interest to be charged upon overdue property taxes; and all matters generally relating to said budget and property tax rate.

Alderman Fox moved to adopt O-18-02 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-18-02.

Alderman Fox moved to amend O-18-02 as follows:

AMENDMENT TO FY 03 OPERATING BUDGET

SPONSORED BY

FINANCE COMMITTEE

AMENDMENT
NO.

FC1

Date: 5/9/02

INCREASE BUDGET:

ACCOUNT NUMBER	ACCOUNT TITLE	AMOUNT
110-41990-7993	Grants & Contributions	72,250
110-45220-7996-0-244	Stanton Center - Contract Services	15,000

DECREASE BUDGET:

ACCOUNT NUMBER	ACCOUNT TITLE	AMOUNT
110-41540-6110	Human Resources - Salaries	10,000
110-49800-9839	Transfer to Capital Projects	77,250

EXPLANATION:

- To provide a \$20,000 grant to A A County EOC.
- To provide a grant of \$5,500 to Arc of AA County.
- To increase the grant to Full Life Incorporated by \$1,750, from \$3,250 to \$5,000.
- To provide a \$10,000 grant to the Legal Aid Bureau.
- To increase the grant to Noah’s Ark by \$2,500, from \$15,000 to \$17,500.
- To provide a grant of \$20,000 to OIC of AA County.
- To increase the grant to Youth Services by \$12,500, from \$87,500 to \$100,000.
- To provide \$15,000 for an instructor and software for the Stanton Center computer lab.
- To decrease the salary for Coordinator of Social Programs by \$10,000, from \$63,215 to \$53,215.
- To delay \$77,250 of funding for CIP #452, Coordinated Traffic Signal Control System, to FY2004.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-18-02 amended on third reading. Seconded. CARRIED on voice vote.

R-14-02 For the purpose of adopting a capital improvement budget for the Fiscal Year 2003, and a capital improvement program for the six year period from July 1, 2002 to June 30, 2008; and all matters relating to said budget and program.

Alderman Hammond moved to adopt R-14-02 on second reading. Seconded.

Alderman Fox moved to amend R-14-02 as follows:

CAPITAL IMPROVEMENTS PROGRAM FY 2003

PROJECT TITLE:	Coordinated Traffic Signal Control System	PROJECT NUMBER:	452
LOCATION:	Various Locations throughout the City	Prior Years' Spending/Encumbrances as of 1/31/02	\$0
DEPARTMENT:	Public Works	Prior Years' Budget Unspent as of 1/31/02	\$20,000
DIVISION:	Roadways		

DESCRIPTION:
A coordinated traffic control system for all City owned traffic signals to optimize traffic flows by real time cycle adjustments as detected by the monitoring system.

JUSTIFICATION:
Currently, the City has 22 traffic signals of various age that all operate independently. These signals are not up the date to current technology standards that allow for real time monitoring and cycle adjustment. Traffic flows could be greatly enhanced with the installation of a modern traffic control system. MDOT grant funding will be pursued.

STATUS:
New Traffic Engineer has been hired and will coordinate this project.

APPROPRIATION SCHEDULE	PRIOR YEARS	CURRENT FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	TOTAL
Land \$								0
Design	20,000	20,000	20,000	20,000	20,000	20,000		120,000
Construction		122,750	277,250	200,000	200,000	200,000		1,000,00
Inspection								0
Contingency								0
Inflation								0
Overhead								0
Total \$	20,000	142,750	297,250	220,000	220,000	220,000	0	1,120,00

FUNDING SCHEDULE	PRIOR YEARS	CURRENT FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	TOTAL
Bond Funds \$								0
State Grants								0
Operating Funds	20,000	142,750	297,250	220,000	220,000	220,000		1,120,00
Total \$	20,000	142,750	297,250	220,000	220,000	220,000	0	1,120,00

ESTIMATED FISCAL IMPACT ON OPERATING BUDGET: None.

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

For the record, Alderman Tolliver recused herself - as a Youth Services Board member - from voting on the \$12,500 grant increase to Youth Services; and, as a stockholder, on any *USi* contract with the City.

R-15-02 For the purpose of approving the fee schedule pursuant to the adoption of the current expense budget for the City of Annapolis for the fiscal year 2002-2003, beginning July 1, 2002 and ending June 30, 2003; and all matters relating to said fee schedule.

Alderman Hammond moved to adopt R-15-02 on second reading. Seconded. CARRIED on voice vote.

ORDINANCES

O-1-02 For the purpose of transferring petitions, reports and communications from the order of business at regular meetings of the city council to the public hearing order of business; and all matters generally relating to said item.

Without objection O-1-02 was postponed.

O-10-02 Revised #2 For the purpose of repealing and adding new Annapolis City Code Chapter 17.10, Stormwater Management; and matters generally relating to said Stormwater Management.

Alderman Tolliver moved to reconsider O-10-02 Revised #2. Seconded. CARRIED on voice vote.

Alderman Tolliver moved to adopt O-10-02 Revised #2 on second reading. Seconded.

Alderman Tolliver moved to amend O-10 -02 Revised #2 as follows:

Amendment #1

[For the purpose of narrowing the conditions under which a waiver to the required reduction of impervious surfaces in redevelopment may be granted and narrowing the alternative remedies that may be considered. This is an amended version of the Committees' original amendment #4]

On page 18, in line 16, before "conditions", insert "HYDROLOGIC AND HYDRAULIC DESIGN"; and

On page 18, in line 18, strike "appropriate alternative action, including but not limited to" and substitute "THE FOLLOWING PRACTICAL ALTERNATIVES"; and

On page 18, strike lines 20 and 21 and renumber "b" through "e" as "a" through "d" respectively; and

On page 18, in lines 23 and 24, strike "comparable in" and substitute "AT LEAST 1.5 TIMES THE"; and

On page 18, lines 30 and 31, strike "not inconsistent with the purposes of this Chapter" and substitute "TO REDUCE IMPERVIOUS SURFACES OR THE IMPACT OF STORMWATER RUNOFF NOT INCONSISTENT WITH THE PURPOSES OF THIS CHAPTER"

Amendment #2

[For the purpose of strengthening the requirements for use of nonstructural stormwater management practices. This is an amended version of the Committees' original amendment #5]

On page 19, in line 33, strike "The use of nonstructural" and substitute "NONSTRUCTURAL"; and

On page 19, in line 34, strike "encouraged" and substitute "USED TO THE MAXIMUM EXTENT POSSIBLE".

Amendment #3

[For the purpose of clarifying conditions under which waivers of stormwater management requirements may be granted. This is an amended version of the Committees' amendment #8.]

On page 23, in line 40, after "agent" insert "AND SUBJECT TO THE PROVISIONS OF SUBSECTIONS B AND C OF THIS SECTION"; and

On page 23, in line 41, strike "any"; and

On page 24, in line 12, strike "Consider the effect of the waiver to reasonably ensure" and substitute "Ensure that"; and

On page 24, in line 13, after "not" strike "adversely impact" and substitute "HAVE AN UNREASONABLE ADVERSE IMPACT ON".

Amendment #4

[For the purpose of strengthening the provisions under which a modification to any requirement of this section may be granted. This is an amended version of the Committees' amendment #10]

On page 25, in line 24, after "cause" insert ", CONSISTENT WITH THE PROVISIONS FOR EXCEPTIONS PROVIDED IN THIS CHAPTER.".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Carter moved to adopt O-10-02 Revised #2 amended on third reading. Seconded. CARRIED on voice vote.

O-11-02 For the purpose of allowing trailers to be parked, while attached or detached to a motor vehicle, upon any public street, lane or alley in Annapolis for no more than seven consecutive days; providing that certain small trailers, less than five feet in width and ten feet in length, be excluded from this provision; allowing the towing of trailers parked in violation of Annapolis City Code Section 12.20.110; and matters generally relating to said parked trailers.

Alderman Hammond moved to adopt O-11-02 on second reading. Seconded.

Alderman Cohen moved to substitute O-11-02 Revised # (2) for O-11-02 as follows:

CITY COUNCIL OF THE CITY OF ANNAPOLIS

ORDINANCE NO. O-11-02 Revised #2

Introduced by Alderman Cohen

AN ORDINANCE concerning

Parking Trailers

FOR the purpose of regulating the length of time boat trailers registered to residents of the City of Annapolis may be parked, while attached to a motor vehicle; allowing the towing of trailers parked in violation of Annapolis City Code Section 12.20.110; and matters generally relating to said parked trailers.

* * * * *

BY repealing and re-enacting, with amendments
Title 12
Chapter 12.20
Section 12.20.110
Code of the City of Annapolis
(1996 Edition and Supplement)

BY repealing and re-enacting, with amendments
Title 12
Chapter 12.20
Section 12.20.210 (A)
Code of the City of Annapolis
(1996 Edition and Supplement)

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall read as follows:

Sec. 12.20.110 Parking trailers.

A. For purposes of this section, the term "trailer" shall include trailers, boat trailers, camping trailers, fifth wheel trailers, pole trailers, semi-trailers, travel trailers and home trailers as those terms are defined in the Annotated Code of Maryland, Transportation Article, (1982 Repl. Vol.) or its successor.

B. It is unlawful and a misdemeanor for the driver or owner of any trailer or trailer-type vehicle to cause the same to be parked, while attached to a motor vehicle, upon any public street, lane or alley within the city, for more than 48 consecutive hours and 10 days total within a calendar year.

C. It is unlawful and a misdemeanor for the driver or owner of any trailer or trailer-type vehicle to cause the same to be parked, while detached from a motor vehicle, upon any public street, lane or alley within the city, except in the event of an emergency. ~~The chief of police, or his authorized representative, may grant exemptions, in nonresidential-zoned areas only, from the provisions of this section with respect to a specified trailer or trailer-type vehicle to be located at a specified location for a specified length of time, subject to such conditions, requirements and fees as the chief of police or his representative may designate. No trailer or trailer-type vehicle as described in this subsection shall be parked on any municipal parking lot, nor shall any attached trailer-type vehicle be parked on any municipal parking lot when the combined length of the towing vehicle and trailer attached exceeds nineteen feet.~~

D. No trailer or trailer-type vehicle detached from a motor vehicle shall be parked on any municipal parking lot, nor shall any attached trailer-type vehicle be parked on any municipal parking lot when the combined length of the towing vehicle and trailer attached exceeds nineteen feet (19').

E. The chief of police, or his authorized representative, may grant exemptions from subsection C above, in nonresidential-zoned areas only with respect to a specific trailer or trailer-type vehicle to be located at a specified location for a specified length of time, subject to such conditions, requirements and fees as the chief of police or his representative may designate.

~~D~~ F. Boat Trailers at Launching Facilities.

1. Except as provided below, it is unlawful and a misdemeanor for a boat trailer, whether or not it is attached to a motor vehicle, to be parked upon a public street, lane or alley in the area bounded by Rowe Boulevard, Weems Creek, Severn River, the municipal border with the United States Naval Academy, to its intersection at Taylor Avenue and Annapolis Street, and Taylor Avenue. An exception shall be granted to any resident of the City of Annapolis to park a boat trailer within the area delineated above, if said trailer is attached to a motor vehicle and bears a boat trailer permit issued by the City of Annapolis.

2. The director of recreation and parks, or his authorized representative, shall issue to any city resident, a boat trailer permit upon proof of residency, and ownership and registration of boat and trailer. The permit shall be issued for and shall be affixed to a specified boat trailer and shall be nontransferable.

3. The permit fee shall be established by resolution of the city council, payable at the time of the submission of the application for the permit. The permit year shall commence on January 1st and terminate on December 31st. The fee shall not be prorated and no portion of any fee shall be refundable. Further, the fee may be waived for any city resident submitting proof of age above sixty years.

G. Notwithstanding any other provision of this section to the contrary, it is unlawful and a misdemeanor for the driver or owner of any trailer or trailer-type vehicle to cause the same to be parked in a manner that interferes with or hinders the operation of any authorized emergency vehicle.

~~E~~ H. Any person violating this section, including any violation of the boat permit provisions hereof, upon conviction, is subject to a fine of fifty dollars.

Sec. 12.20.210 Towing of vehicles--Grounds--Notice.

A. Any police officer or parking enforcement officer may order the towing of the following motor vehicles **and trailers**:

1. A vehicle violating any parking or parking meter provision of this title if the parking or parking metered area from which the vehicle is to be towed is posted "Tow Zone" or "Cars Impounded," or a notice of similar import, except as otherwise provided in this chapter;

2. A vehicle remaining parked or standing in any municipal off-street parking facility in the city for longer than forty-eight consecutive hours, and a vehicle remaining parked in any municipal off-street parking facility for longer than has been prepaid for the vehicle;

3. A vehicle violating the provisions of Sections 12.20.020, 12.20.030, **12.20.110** or 12.20.200.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

ADOPTED this day of , 2002.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Fox moved to adopt O-11-02 Revised #(2) amended on third reading. Seconded. CARRIED on voice vote.

O-20-02 For the purpose of specifying the number of vehicles and motorcycles permitted to park in metered parking spaces; providing that all vehicles and motorcycles in violation are to be fined; and matters generally relating to said parking of vehicles and motorcycles.

Alderman Hammond moved to adopt O-20-02 on second reading. Seconded.

The Public Safety Committee reported favorably on O-20-02.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-20-02 on third reading. Seconded. CARRIED on voice vote.

O-21-02 For the purpose of conveying, by deed, whatever rights, title and interest the City has in a certain portion of a street known as Archwood Avenue in the City of Annapolis, to an adjacent property owner whose property is 115 Archwood Avenue which is contiguous to said parcel of ground; providing for the property to be sold at private sale; providing for the conveyance of a certain right-of-way easement for storm water drainage to the City; and all matters relating to said deed.

Alderman Hammond moved to adopt O-21-02 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

O-22-02 For the purpose of supporting the performing arts; providing that monies may be awarded from the Arts Fund, currently known as the Arts in Public Places Fund, to performing artists and groups which promote or practice performing arts; and matters generally relating to said performing arts.

Alderman Carter moved to adopt O-22-02 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

RESOLUTIONS

R-7-02 For the purpose of encouraging the residents and property owners of the Chesapeake Harbour subdivision to annex into the City of Annapolis.

Alderman Carter moved to adopt R-7-02 on second reading. Seconded. CARRIED on voice vote.

R-12-02 For the purpose of consenting to the merger, transfer of control of cable television franchise and corporate conversion to a limited liability

company of cable television franchisee Comcast Corporation; and all matters relating to said consent.

Alderman Tolliver moved to adopt R-12-02 on second reading. Seconded.

Alderman Hammond moved to amend R-12-02 as follows:

No. 1

On Page 1, lines 10 and 13
Page 2, lines 2, 9 and 13

strike "Transfer";

add "Change",

No. 2

On Page 1, line 17

strike "Comcast Corporation";

add "Comcast Cablevision of Maryland, Inc.",

No. 3

On Page 1, line 28 after "Grantee"

add "is an indirect subsidiary of Comcast Corporation ("Comcast"). Comcast",

No. 4

On Page 2, line 26

strike "AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the consent to Transfer of Control granted herein shall be effective only upon the Merger, and that AT&T Comcast shall notify Franchising Authority promptly upon the Merger.

AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the consent to LLC Conversion granted herein shall be effective only upon the Merger, and that AT&T Comcast shall notify Franchising Authority promptly upon the Merger."

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

R-17-02 For the purpose of endorsing the development of a plan that will achieve quality, affordable health care for all Marylanders; and all matters relating to said health care.

Alderman Hoyle moved to adopt R-17-02 on second reading. Seconded. CARRIED on voice vote.

R-18-02 For the purpose of supporting the Annapolis Fire Department Strategic Plan; and all matters relating to said plan.

Without objection R-18-02 was postponed.

R-19-02 For the purpose of recognizing the Kunta Kinte - Alex Haley Foundation and Leonard A. Blackshear, Foundation President, for their efforts in establishing a multi-faceted memorial at the City Dock in the City of Annapolis; declaring June 12, 2002 as Kunta Kinte - Alex Haley Day; and all matters relating to said recognition.

Alderman Hammond moved to adopt R-19-02 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Tolliver moved to adopt R-19-02 on second reading. Seconded. CARRIED on voice vote.

R-20-02 For the purpose of adopting the rules recommended by the Annapolis Alcoholic Beverage Control Board which repeal the regulation mandating that holders of Class A licenses require every purchaser of alcohol to display identification as proof of age before allowing the sale; providing for the expedited implementation of said rules and regulations; and all matters relating to said rules.

Alderman Fox moved to adopt R-20-02 on first reading. Seconded. CARRIED on voice vote.

Alderman Cordle moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Fox moved to adopt R-20-02 on second reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS (Continued)

1. Towing License Renewal:

- a. Darden's Towing
- b. Lowry's Forest Drive Services
- c. Mason's Towing

Alderman Carter moved to approved the renewal of the towing licenses for Darden's Towing, Lowery's Forest Drive Services and Mason's Towing. Seconded. CARRIED on voice vote.

2. Finance Committee Meeting Recommendations dated May 16, 2002

Alderman Fox moved to accept the Finance Committee Recommendations for Action dated May 16, 2002. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Carter moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Cohen moved to approve the Mayor's (re)appointments of the following individuals:

5/15/02 Maritime Advisory Board James E. M. Coleman
5/15/02 Annapolis Conservancy Saunders C. Hillyer
5/15/02 Commission on Aging Ida Mae Sims
5/28/02 Human Relations Committee Jessica V. Loftis, Student
5/28/02 Human Relations Committee Mahmoud T. Baptiste
5/28/02 Human Relations Committee Michael J. Keller
5/28/02 Commission on Aging Douglas Lamborne
5/28/02 Commission on Aging Nancy B. Jones Williams
5/28/02 Commission on Aging Mary Rose Brummel
5/28/02 Art In Public Places Robert Libson
5/29/02 Planning Commission Patricia Allen
5/29/02 Planning Commission Charles Lewnes
6/4/02 Art In Public Places Anne Hudson Jenkins
6/3/02 Art In Public Places Cynthia A. Shinn
Ward 1 Sidewalk Task Force Arthur Greenbaum
Ward 2 Sidewalk Task Force Evelyn Speaks
Ward 8 Sidewalk Task Force Raj Williams
At Large Sidewalk Task Force Terry Averill

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:55 p.m.

Deborah Heinbuch, CMC/AAE
City Clerk